

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	

COMMENTS OF THE NATIONAL OPINION RESEARCH CENTER

The National Opinion Research Center (“NORC”) files these comments in support of the Federal Communications Commission’s (“FCC” or “Commission”) proposal in its Sixth Further Notice of Proposed Rulemaking (“Further Notice”) that would direct the adoption and use of only SIP Codes 607 or 608 in voice service providers’ Internet Protocol networks in order to provide required real-time blocking notification by “a firm deadline.”¹ As an entity attempting to place legitimate calls on behalf of the federal government covering, for example, critical public health information, it is imperative that NORC have immediate knowledge of any calls blocked and be provided with actionable information as to the identity of the blocking party, particularly if the blocking is network-based and initiated by a particular carrier.²

While the Commission has allowed temporarily the use of SIP Code 603 as an alternative

¹ See Advanced Methods to Target and Eliminate Unlawful Robocalls, *Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order*, CG Docket No. 17-59, FCC 21-126, paras. 43, 46 (Dec. 14, 2021), <https://docs.fcc.gov/public/attachments/FCC-21-126A1.pdf>.

² NORC is an objective, non-profit, non-partisan research institution working with government agencies, academic institutions, foundations, and other organizations. NORC maintains a large field staff and call centers to support a variety of long-term and quick-response national and international projects. These projects include survey calls to households and physicians for the U.S. Centers for Disease Control and Prevention’s (“CDC”) annual National Immunization Survey that identifies trends in vaccinations nationwide and promotes public health in communities everywhere. See National Opinion Research Center, *Comments*, 4-6 (Aug. 31, 2020), <https://ecfsapi.fcc.gov/file/108310552227737/Comments%20to%204th%20FNPRM%20-%20NORC%208-31-2020.pdf>.

to the plainly superior SIP Codes 607 and 608, the Commission recognized that this alternative use of SIP Code 603 could not meet the notice and transparency standards articulated in the TRACED Act and as a result should terminate once the SIP Codes 607 and 608 become interoperable.³ The TRACED Act guarantees as a baseline that legitimate callers' will be afforded immediate notification and sufficient information to determine the cause of blocked calls. But the SIP Code 603 does not show to callers that a call is being blocked and therefore is not capable of providing the required immediate notification of network-based blocking. While NORC understands that currently SIP Codes 607 and 608 are not ready for full implementation, any permanent allowance of the use of Code 603 as an acceptable alternative would undermine legitimate callers' rights to transparency and ability to seek effective redress. While the standards process for SIP Codes 607 and 608 continues, NORC urges the Commission to maintain oversight by adopting interim report requirements so that it can monitor carriers' progress towards full operational use of these SIP Codes.

I. Based on the Record, the FCC Identified SIP Codes 607 and 608 as Meeting TRACED Act Mandates.

Consistent with the requirement of transparency and effective redress in the TRACED Act, in December 2020 the FCC adopted rules obligating carriers to immediately notify callers of calls blocked by a carrier's network based on reasonable analytics "us[ing] specific, existing codes."⁴ Recognized codes for this purpose include SIP Code 607 (for calls blocked when the intended recipient plays a role in the rejection) and SIP Code 608 (for calls rejected by an analytics engine) for calls transmitted on an IP-based network.⁵ The Commission endorsed SIP Codes 607

³ See 47 U.S.C. § 227(j)(1)(A) (amended by Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. 116-105, 133 Stat. 3274, § 10(b) (2019)).

⁴ Advanced Methods to Target and Eliminate Unlawful Robocalls, *Fourth Report and Order*, 35 FCC Rcd. 15221, para. 56 (2020).

⁵ See *id.*, para. 56, n.132.

and 608 as “uniform, clear, and distinct from other signals” because of the additional critical information that they provide, seeing in them “significant benefit to legitimate callers” who “otherwise may not know why their calls are not reaching the intended recipient and therefore may be unable to access redress.”⁶

USTelecom sought reconsideration and asserted that SIP Codes 607 and 608 were “still in development through the industry standards bodies” and that its carrier members needed additional time to implement, test, and refine internal systems needed to return SIP Codes 607 and 608.⁷ In addressing USTelecom’s Petition for Reconsideration, the Commission permitted, as an interim measure, the alternative use of SIP Code 603, which only reads as “decline” but is a signal that “already exists and can be implemented reasonably quickly and efficiently.”⁸ The core issue before the Commission now is whether carriers should maintain the flexibility to continue to use SIP Code 603 once SIP Codes 607 and 608 are implemented. The answer is a resounding no.

NORC understands the Commission has had to balance what is currently possible against what the TRACED Act requires in first identifying SIP Codes 607 and 608 as consistent with TRACED Act mandates but also permitting the use of SIP Code 603 as an interim measure so that legitimate callers receive at least some type of uniform notification by the January 1, 2022 deadline. However, because SIP Code 603 only indicates a call rejection, it is entirely insufficient for the purpose of providing immediate notice and opportunity for redress. There is no conceivable long-term role for SIP Code 603 within the FCC’s rules, as it fails to satisfy the transparency and redress requirements in the TRACED Act.

⁶ See *id.*, para. 54, upheld by *Further Notice*, FCC 21-126, para. 19.

⁷ *Further Notice*, FCC 21-126, para. 11.

⁸ *Id.*, para. 15, n.44; *Fourth Report and Order*, 35 FCC Rcd. 15221, para. 57, n.135.

II. The FCC’s Focus Should be On Ensuring that SIP Codes 607 and 608 Are Standardized and Become Interoperable as Quickly as Possible.

For all the reasons the FCC itself cited in the Order and Further Notice, it is obvious that SIP Code 603 fails to satisfy the Commission’s immediate notification requirement for analytics-based blocking when it does not contain any information to notify the caller that a call actually has been blocked. SIP code 603 only signals that a call was declined. It does not identify any actionable information, such as whether the call was declined by a specific carrier’s blocking analytics or by the potential call recipient.⁹ In contrast, SIP Code 608 specifically signals to callers that a call was rejected by an intermediary (analytics engine) while SIP Code 607 specifically signals to callers that a call recipient had requested the carrier to block calls not on his or her white list.¹⁰ Because their “design specifications . . . provide important information that enables callers to contact blocking entities and initiate the redress process,” the FCC observed that SIP Codes 607 and 608 “present the best long-term solution for immediate notification.”¹¹ Given that SIP Code

⁹ See also Voice on the Net Coalition, INCOMPAS, Cloud Communications Alliance, *Ex Parte Notice*, 1-2 (Dec. 7, 2021), https://ecfsapi.fcc.gov/file/1207194677634/12-7_ExParteNotice.PDF; TCN, Inc., *Ex Parte Letter*, 4-5 (Nov. 30, 2021), <https://ecfsapi.fcc.gov/file/1130384827731/TCN%20Response%20to%20USTelecom%20-%202011.30.21.pdf>; Credit Union National Association, American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and American Express, *Ex Parte Notice*, 3-4 (Oct. 26, 2021), <https://ecfsapi.fcc.gov/file/1026017570726/Trades%20notification%20ex%20parte.pdf> (“The limitations of SIP Code 603 to address the Commission’s expanding call blocking regimes spurred two former Commission Chief Technology Officers to draft specifications for end-user initiated blocking (SIP Code 607) and for analytics-based network blocking (SIP Code 608).”); INCOMPAS, *Ex Parte Notice*, 2 (Oct. 12, 2021), [https://ecfsapi.fcc.gov/file/1012826424478/INCOMPAS%20Ex%20Parte%20Letter%20-%20CG%20Docket%20No.%2017-59%20\(10.12.21\).pdf](https://ecfsapi.fcc.gov/file/1012826424478/INCOMPAS%20Ex%20Parte%20Letter%20-%20CG%20Docket%20No.%2017-59%20(10.12.21).pdf) (“SIP Code 603 was specifically NOT designed for network-level blocking as it presumes the call reached the called party.”); INCOMPAS, *Ex Parte Notice*, 1-2 (Sept. 20, 2021), [https://ecfsapi.fcc.gov/file/10920118012710/INCOMPAS%20Ex%20Parte%20Letter%20-%20CG%20Docket%20No.%2017-59%20\(9.20.21\).pdf](https://ecfsapi.fcc.gov/file/10920118012710/INCOMPAS%20Ex%20Parte%20Letter%20-%20CG%20Docket%20No.%2017-59%20(9.20.21).pdf).

¹⁰ See *Fourth Report and Order*, para. 56, n.132.

¹¹ *Further Notice*, FCC 21-126, para. 43; see also Voice on the Net Coalition, INCOMPAS,

603 does not notify callers of analytics-based call blocking, which is a statutorily-required function only available through SIP Codes 607 and 608, NORC also agrees with commenters that presented evidence on the record that the potential cost of phasing out SIP Code 603 would be minimal as compared to the benefits.¹² While no system may perfectly reflect the needs of all, the level of actionable information to be conveyed by SIP Codes 607 and 608 is essential for those such as NORC that must make calls to the public to collect public health and other information for the federal government.

Callers receiving SIP Code 603 signals are in no materially better position than they were before the Commission adopted the immediate notification requirement in December 2020. As NORC previously reported in this proceeding, prior to the Commission’s adoption of the immediate notification requirement, NORC had no effective options to identify that a call actually was being blocked, let alone know whether it was a specific carrier using analytics to block.¹³ Because SIP Code 603 also does not identify that a call actually has been blocked, callers will continue to experience the same hardship as NORC in 2020 when it was forced to

Cloud Communications Alliance, *Ex Parte Notice*, 2-3 (Dec. 7, 2021) (“SIP code 607, by which end users signify that a call is unwanted, was designed primarily as a mechanism by which consumer feedback would inform filtering algorithms by identifying unwanted or illegal calls. SIP code 608, signifying network-level blocking, can help assess the efficacy of the reasonable analytics used to identify purportedly suspect calls.”); INCOMPAS, *Ex Parte Notice*, 2 (Oct. 12, 2021) (“[W]hat makes SIP Codes 607 and 608 so valuable is the specificity of information they provide. . . . [T]he Internet Engineering Task Force . . . first defined SIP 607 to indicate the end user called party had rejected the call, but neither SIP Code 603 nor SIP Code 607 specifically addressed blocking by an intermediary based on analytics. That is the specific purpose of SIP Code 608.”); INCOMPAS, *Ex Parte Notice*, 2 (Sept. 20, 2021).

¹² See INCOMPAS, *Ex Parte Notice*, 2 (Oct. 12, 2021) (“[C]arriers would not recover any meaningful savings from the use of SIP Code 603—due to the additional time providers spend attempting to understand the error and seek redress from other providers and the potential administrative costs of making and educating providers on changes to the code.”); INCOMPAS, *Ex Parte Notice*, 3 (Sept. 20, 2021).

¹³ See, e.g., National Opinion Research Center, *Ex Parte Notice* (Nov. 2, 2020), <https://ecfsapi.fcc.gov/file/1102879628416/Ex%20Parte%20Letter%20Call%20Blocking%204th%20FNPRM%20-%20NORC%2011-2-2020.pdf>.

utilize expensive third-party services and number reputation management as well as conduct weeks of experiments before it was able to deduce that an apparent increase in standard busy signals among its outbound calls was caused by its originating carrier blocking its calls.¹⁴

Receiving a signal that only states “declined” and that could cover a range of potential scenarios is not remotely useful in identifying which calls are being blocked on the network level and by which carrier. Legitimate callers’ need real time, actionable information to allow them to seek redress of erroneous blocking, which depends on continuous access to the specific information that is provided by SIP Codes 607 and 608. As many commenters have demonstrated, additional modifications to SIP Code 603 would fail to provide the same uniform information need.¹⁵

III. Carriers Should Be Directed to Implement SIP Codes 607 and 608 Promptly Upon Completion of Standards-Setting Work.

The Commission was justified in concluding that it “should reject arguments urging us to set aside our requirements for immediate notification until all work is ‘finalized’” and “setting a firm deadline for implementation of SIP Codes 607 and 608 [as] the best means of ensuring that voice service providers move expeditiously while allowing standards bodies to continue their

¹⁴ When NORC contacted the carrier after learning through independent investigation that its own originating carrier labeled NORC’s calls for the CDC as “potential fraud,” the carrier did not explain the reason for analytics-based blocking and instead directed NORC to submit a complaint to the carrier’s chosen analytics provider. NORC’s complaint to the analytics provider similarly yielded no new information about why the calls were blocked or any action by the analytics provider to rectify the error. NORC was unable to obtain any actionable information from either the carrier or the analytics provider to seek meaningful remedy during a two-month period before the erroneous blocking was remedied. *See* National Opinion Research Center, *Ex Parte Notice* (Dec. 21, 2020), <https://ecfsapi.fcc.gov/file/12220966221607/Ex%20Parte%20Letter%20Call%20Blocking%204th%20FNPRM%20-%20NORC%2012-21-2020.pdf>.

¹⁵ Credit Union National Association, American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and American Express, *Ex Parte Notice*, 4 (Oct. 26, 2021) (“[T]he more SIP Code 603 is altered, the less interoperable and standardized it becomes.”)

important processes.”¹⁶ Several commenters expressed the view that six months after the standards-setting bodies finalize standards for SIP Codes 607 and 608 would be sufficient time for the carriers to take the necessary steps to implement SIP Codes 607 and 608 in their networks.¹⁷ NORC supports that as a reasonable time frame. It is also critical that the Commission should, as proposed, “require voice service providers to submit periodic status reports on their progress in implementing SIP Codes 607 and 608” starting from 30 days after the standards-setting bodies announce the finalized SIP Codes 607 and 608 standards.¹⁸

For these reasons, it is important that the FCC require voice service providers implement SIP Codes 607 and 608 promptly after the standards-setting bodies release their implementation standards. As NORC is in the process of modifying its equipment and operations in preparation for SIP codes 607 and 608, NORC stands ready to support recognition of these SIP codes as soon as SIP Codes 607 and 608 become interoperable.

IV. Conclusion

Because long-term use of SIP Code 603 would, as the FCC recognized, be inconsistent with the TRACED Act and the FCC’s immediate notification requirements that allow for effective redress, NORC strongly supports the complete sunset of SIP Code 603 for analytics blocking within a short time to be specified by the Commission after the SIP Codes 607 and 608 standards

¹⁶ *Further Notice*, FCC 21-126, para. 46.

¹⁷ *See id.*, para. 21, n.68, para. 45 (discussing filings from Voice on the Net Coalition, INCOMPAS, Credit Union National Association, American Bankers Association); Voice on the Net Coalition, INCOMPAS, Cloud Communications Alliance, *Ex Parte Notice*, 2 (Dec. 7, 2021); Credit Union National Association, American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and American Express, *Ex Parte Notice*, 5 (Oct. 26, 2021); INCOMPAS & Cloud Communications Alliance, *Joint Opposition and Comment to the Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association*, 12 (June 7, 2021), [https://ecfsapi.fcc.gov/file/10604032808093/INCOMPAS-CCA%20Jt%20Opposition%20to%20USTelecom%20PFR%20\(FINAL\).pdf](https://ecfsapi.fcc.gov/file/10604032808093/INCOMPAS-CCA%20Jt%20Opposition%20to%20USTelecom%20PFR%20(FINAL).pdf).

¹⁸ *Further Notice*, FCC 21-126, para. 46.

are finalized.

Respectfully submitted,


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